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EXAMINER
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TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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2169

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/648,125	<b>Applicant(s)</b> GROVE ET AL.	
	<b>Examiner</b> Cam Y T. Truong	<b>Art Unit</b> 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-19, 21-29, 31-36 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-19, 21-29, 31-36, 39-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant has amended claims 1, 13, 23, 24, and added claims 42-45 in the amendment filed on 3/4/2009.

Claims 1-7, 9-19, 21-29, 31-36, 39-45 are pending in this Office Action.

### ***Response to Arguments***

2. Applicant's arguments filed 9/14/2009 have been fully considered but they are not persuasive.

a. Applicant argued that Boyden does not teach claims 1, 13 and 23. Applicant also argued that the office action did not make out a prima facie case of obviousness in connection with any of the above rejection because even if combined, the cited reference fail to teach all of the elements of the application's claimed invention; therefore, the 103 rejection for dependent claims 10, 22, 32, 11, 12, 33-34, 36 are improper because the combinations of cited references do not teach the claims 1, 12 and 23.

Examiner respectfully disagrees.

As to claims 12, 23 are rejected under same reason as discussed in claim 1; thus, the combination of cited references teaches all of claimed limitation of claims 1, 12 and 23.

As to claim 1, Boyden teaches a method of generating a listing in a network-based commerce system (generating data in fields 218-220 in a network based

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commerce system, page 4, col. Right, lines 17-23; page 3, paragraph [0024], lines 4-10), the method including:

“receiving listing identification data from a seller, the listing identification data capable of being used to identify a good or a service” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an example of a vehicle work sheet page 200b to modify data for a vehicle that was already on the list 201 of the work list page 200a. The vehicle data includes 213 and 214. The above information shows that to display the vehicle data as shown in fig. 2B, the system receives VIN from a user and retrieves the a specific vehicle based on the inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph 0013);

“searching a database of reference listing data using the listing identification data to locate a plurality of similar listings posted within a network-based commerce system” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. The items are similar listings (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

“providing information to present the plurality of similar listings and the attribute data to the seller” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. The items are similar listings (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

“receiving an indication from the seller selecting a selected listing from the plurality of similar listings” as receiving a selection from the listing (figs. 2A-2B, paragraph 0032);

“generating a proposed listing to present to the seller, the proposed listing including listing data from the selected similar listing” as displaying a page includes data 213 and 214. The page is represented as a proposed listing. The proposed listing includes the similar listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph 0013);

“ allowing the seller to modify the listing data of the proposed listing to create a list” as prior to posting or sending the data entered in fields 218-220 to a database in the auction server system, the system allows the user to edit the vehicle data of the page 200b in fig. 2B by clicking on either links such as 1. Modify vehicle configuration, 2.

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Modify condition report, 3. Update mileage & pricing (figs. 2B & 2C, page 4, paragraph [0032], lines 1-21, col. Right, lines 17-23, paragraph 0013);

resulting in the listing as after the user to edit vehicle data and click on update icon, the system indicates Mileage & pricing of the vehicle data are updated (fig. 2C page 4, paragraph [0033], lines 1-10);

“posting the listing in a database of the network-based commerce system” as sending the data entered in the fields 218-220 to a data-record for the vehicle in the auction server system. More specifically, the seller system sends the data entered in the fields to a database in the auction server (page 4, col. Right, lines 17-23);

“wherein the listing, once posted” as the seller sends the data entered in the fields to a data-record for the vehicle in the auction server system. Then the auction server system provides a report 300e to a buyer system. The report 300e includes data about the vehicle from the data-record in the auction server database (abstract, fig. 3E, page 4, col. Right, lines 17-23; page 6, col. Left, lines 1-10);

“ the proposed listing including listing data” as displaying data including the link on page 300c (paragraph 0043);

“searching the database to locate attribute data” as searching database to locate attribute data (paragraphs 0030, 0041);

“providing information to present the plurality of similar listing and the attribute data to the seller” as providing a page includes data 213 and 214. The page is represented as a proposed listing. The proposed listing does not include the similar listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph 0013);

“providing information to present a preview of the proposed listing to the seller” as resulting in the listing as after the user to edit vehicle data and click on update icon, the system indicates Mileage & pricing of the vehicle data are updated (fig. 2C page 4, paragraph [0033], lines 1-10);

“representing an offering of the good or service for sale” as displaying a plurality of cars and representing an offering of car for sale (abstract).

Boyden does not explicitly teach the claimed limitation “receiving a category selection from a seller; verifying the category supports automated generation for proposed listings; receiving an indication from the seller selecting a selected listing from the plurality of similar listings”.

Boyden teaches by selecting the link for the 1999 saab 9-5SE shown in the list 305, the buyer system send a request to the auction server system to display the detail page 300c.

Dicker teaches the user select a specific category such as ‘non-fiction’ from a drop-down menu 202 to request category-specific recommendations. Designating a specific category causes items in all other categories to be filled out (paragraph 0169). The selected category is verified to support automated generation for recommendations lists as proposed listings (fig. 5, paragraphs 0156, 0165-0167). Selecting similar items are from plurality of similar listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker’s teaching of receiving a category selection

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from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying similar items to Boyden's system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user's indication so that the system provide a recommendation of similar items based on the interests of users.

b. Applicant argued that Dicker does not teach "presentation of similar listings".

Examiner respectfully disagrees. Boyden teaches presentation of similar listings as shown in figs. 2A-2B. In particular, as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an example of a vehicle work sheet page 200b to modify data for a vehicle that was already on the list 201 of the work list page 200a. The vehicle data includes 213 and 214. The above information shows that to display the vehicle data as shown in fig. 2B, the system receives VIN from a user and retrieves the a specific vehicle based on the inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph 0013).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7, 9, 13-16, 19, 21, 23-26, 29, 31, 35, 39-41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view Dicker et al (or hereinafter "Dicker") (US 20030105682).

As to claim 1, Boyden teaches a method of generating a listing in a network-based commerce system (generating data in fields 218-220 in a network based commerce system, page 4, col. Right, lines 17-23; page 3, paragraph [0024], lines 4-10), the method including:

"receiving listing identification data from a seller, the listing identification data capable of being used to identify a good or a service" as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an example of a vehicle work sheet page 200b to modify data for a vehicle that was already on the list 201 of the work list page 200a. The vehicle data includes 213 and 214. The above information shows that to display the vehicle data as shown in fig. 2B, the system receives VIN from a user and retrieves the a specific vehicle based on the

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inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph 0013);

“searching a database of reference listing data using the listing identification data to locate a plurality of similar listings posted within a network-based commerce system” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. The items are similar listings (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

“providing information to present the plurality of similar listings and the attribute data to the seller” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. The items are similar listings (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

“receiving an indication from the seller selecting a selected listing from the plurality of similar listings” as receiving a selection from the listing (figs. 2A-2B, paragraph 0032);

“generating a proposed listing to present to the seller, the proposed listing including listing data from the selected similar listing” as displaying a page includes data 213 and 214. The page is represented as a proposed listing. The proposed listing includes the similar listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph 0013);

“ allowing the seller to modify the listing data of the proposed listing to create a list” as prior to posting or sending the data entered in fields 218-220 to a database in the auction server system, the system allows the user to edit the vehicle data of the page 200b in fig. 2B by clicking on either links such as 1. Modify vehicle configuration, 2. Modify condition report, 3. Update mileage & pricing (figs. 2B & 2C, page 4, paragraph [0032], lines 1-21, col. Right, lines 17-23, paragraph 0013);

resulting in the listing as after the user to edit vehicle data and click on update icon, the system indicates Mileage & pricing of the vehicle data are updated (fig. 2C page 4, paragraph [0033], lines 1-10);

“posting the listing in a database of the network-based commerce system” as sending the data entered in the fields 218-220 to a data-record for the vehicle in the auction server system. More specifically, the seller system sends the data entered in the fields to a database in the auction server (page 4, col. Right, lines 17-23);

“wherein the listing, once posted” as the seller sends the data entered in the fields to a data-record for the vehicle in the auction server system. Then the auction server system provides a report 300e to a buyer system. The report 300e includes data about the vehicle from the data-record in the auction server database (abstract, fig. 3E, page 4, col. Right, lines 17-23; page 6, col. Left, lines 1-10);

“ the proposed listing including listing data” as displaying data including the link on page 300c (paragraph 0043);

“searching the database to locate attribute data” as searching database to locate attribute data (paragraphs 0030, 0041);

“providing information to present the plurality of similar listing and the attribute data to the seller” as providing a page includes data 213 and 214. The page is represented as a proposed listing. The proposed listing does not include the similar listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph 0013);

“providing information to present a preview of the proposed listing to the seller” as resulting in the listing as after the user to edit vehicle data and click on update icon, the system indicates Mileage & pricing of the vehicle data are updated (fig. 2C page 4, paragraph [0033], lines 1-10);

“representing an offering of the good or service for sale” as displaying a plurality of cars and representing an offering of car for sale (abstract).

Boyden does not explicitly teach the claimed limitation “receiving a category selection from a seller; verifying the category supports automated generation for

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proposed listings; receiving an indication from the seller selecting a selected listing from the plurality of similar listings".

Boyden teaches by selecting the link for the 1999 saab 9-5SE shown in the list 305, the buyer system send a request to the auction server system to display the detail page 300c.

Dicker teaches the user select a specific category such as 'non-fiction' from a drop-down menu 202 to request category-specific recommendations. Designating a specific category causes items in all other categories to be filled out (paragraph 0169). The selected category is verified to support automated generation for recommendations lists as proposed listings (fig. 5, paragraphs 0156, 0165-0167). Selecting similar items are from plurality of similar listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker's teaching of receiving a category selection from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying similar items to Boyden's system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user's indication so that the system provide a recommendation of similar items based on the interests of users.

As to claim 2, Boyden teaches the claimed limitation “which includes allowing the user to accept the listing, prior to posting the listing” as allowing a user to update or cancel updating the data record for the specific vehicle. The above information indicates that the system allows a user to accept the data record or deny the data record before posting the data record to the server (page 4, paragraph [0033], lines 6-10; page 4, col. Right, lines 17-23).

As to claims 3 and 25, Boyden and Bowman teach the claimed limitation subject matter in claim 1 and 23, Bowman further teaches “wherein a database of listing data is associated with at least one of movies, music, games, or books” as (col. 26, lines 20-25).

As to claims 4, and 16, Boyden teaches the claimed limitation “which includes: generating a user interface with a plurality of fields; and populating the plurality of fields with the listing data” as generating a web page with a plurality of fields 304 and populating the fields 304 with the vehicle data (fig. 3A-3B, page 5, paragraph [0041], lines 15-22).

As to claims 7, 19 and 29, Boyden teaches the claimed limitation “wherein the listing data includes at least one of a group including a title of the listing, a description of

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the listing, and an image related to the listing” as vehicle data includes vehicle description (fig. 3A).

As to claim 9, Boyden teaches claimed limitation “wherein the listing identification data is a Vehicle Identification Number (VIN), the method including retrieving listing data including a model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, or an engine capacity of the vehicle” as a Vehicle Identification Number (fig. 2A), retrieving vehicle data includes model of year of the vehicle (fig. 3A, page 5, paragraph [0042]).

As to claim 13, Boyden teaches the same claimed limitations as discussed in claim 1, Boyden further teaches a machine-readable medium including a sequence of instructions that, when executed by a machine (the auction server system displays a seller work-list web page 200a in response to a request from a seller system. The above information indicates that the server system has included a computer readable medium, which includes instructions for responding to seller’s request, page 3, paragraph [0030], lines 1-4; page 12, col. Right, lines 5-7), “cause the machine to:

“receive listing identification data from a seller requesting posting of a listing on a network-based commerce system, the listing identification data capable of being used to identify a good or service in the category” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an example of a vehicle work

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sheet page 200b to modify data for a vehicle that was already on the list 201 of the work list page 200a before posting to a server. The vehicle data includes 213 and 214. The above information shows that to display the vehicle data as shown in fig. 2B, the system receives VIN from a seller and retrieves the a specific vehicle based on the inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9; page 4, col. Right, lines 17-23, paragraph 0013);

“searching a database of listing data using the listing identification data to locate a plurality of similar listings posted within a network-based commerce system” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. Items are similar listing (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

“generate a proposed listing to present to the seller,” as displaying a page includes data 213 and 214. The page is represented as a proposed listing. The proposed listing does not include similar listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph 0013);

“ the proposed listing including listing data from the selected similar listing” as displaying data including the link on page 300c (paragraph 0043);

“allow the seller to modify the listing data in the proposed listing to create a listing” as prior to posting or sending the data entered in fields 218-220 to a database in the auction server system, the system allows the user to edit the vehicle data of the page 200b in fig. 2B by clicking on either links such as 1. Modify vehicle configuration, 2. Modify condition report, 3. Update mileage & pricing (figs. 2B & 2C, page 4, paragraph [0032], lines 1-21, col. Right, lines 17-23);

resulting in the listing as after the user to edit vehicle data and click on update icon, the system indicates Mileage & pricing of the vehicle data are updated (fig. 2c, page 4, paragraph [0033], lines 1-10);

“post the listing in a database of the network-based commerce system” sending the data entered in the fields 218-220 to a data-record for the vehicle in the auction server system. More specifically, the seller system sends the data entered in the fields to a database in the auction server (page 4, col. Right, lines 17-23);

“the listing, once posted” as the seller sends the data entered in the fields to a data-record for the vehicle in the auction server system. Then the auction server system provides a report 300e to a buyer system. The report 300e include data about the vehicle from the data-record in the auction server database ( fig. 3E, page 4, col. Right, lines 17-23; page 6, col. Left, lines 1-10; paragraph 0013);

“representing an offering of a good or service for sale” as (abstract, figs. 3A-3E).

Boyden does not explicitly teach the claimed limitation “receiving a category selection from a seller; verifying the category supports automated generation for

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proposed listings; receive an indication from the seller to select a selected listing from the plurality of similar listings”.

Boyden teaches selecting the link for the 1999 saab 9-5SE shown in the list 305, the buyer system send a request to the auction server system to display the detail page 300c (paragraph 0013).

Dicker teaches the user select a specific category such as ‘non-fiction’ from a drop-down menu 202 to request category-specific recommendations. Designating a specific category causes items in all other categories to be filled out (paragraph 0169). The selected category is verified to support automated generation for recommendations lists as proposed listings (fig. 5, paragraphs 0156, 0165-0167). Selecting similar items are from plurality of similar listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker’s teaching of receiving a category selection from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying similar items to Boyden’s system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user’s indication so that the system provide a recommendation of similar items based on the interests of users.

As to claim 14, Boyden teaches the claimed limitation “ wherein the user is allowed to accept the listing, prior to posting the listing” as allowing a user to update or cancel updating the data record for the specific vehicle or canceling the data update (page 4, paragraph [0033], lines 6-10).

As to claim 15, Boyden teaches the claimed limitation “wherein the network-based commerce system includes a database of listing data associated with at least one of a group including movies, music, games, books and motor vehicles” as a database of listing data associated with motor vehicle (figs. 2A & 2E, page 4, col. right, lines 17-23).

As to claims 21 and 31, Boyden teaches claimed limitation “wherein the listing identification data is a Vehicle Identification Number (VIN) of a vehicle, the listing data includes a model year of the vehicle, a manufacturer of the vehicle, a number of doors of the vehicle, or an engine capacity of the vehicle” as a Vehicle Identification Number (fig. 2A), retrieving vehicle data includes model of year of the vehicle (fig. 3A, page 5, paragraph [0042]).

As to claim 23 is rejected under the same reason as discussed in claim 1, in addition, Boyden further teaches a network-based commerce system, which includes at least one server (an electronic auction server system is linked to sellers and buyer systems, page 3, paragraph [0024], lines 8-9):

“receive listing identification data from a seller requesting posting of a listing on a network-based commerce system, the listing identification data capable of being used to identify a good or service” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2B shows an example of a vehicle work sheet page 200b to modify data for a vehicle that was already on the list 201 of the work list page 200a before posting to a server. The vehicle data includes 213 and 214. The above information shows that to display the vehicle data as shown in fig. 2B, the system receives VIN from a user and retrieves the a specific vehicle based on the inputted VIN by the user (fig. 2A, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9; page 4, col. Right, lines 17-23, paragraph 0013);

“searching a database of listing data using the listing identification data to locate a plurality of similar listings posted within a network-based commerce system” as the input section 202 can include a search tool 204 having an input fields 205 and a button 206 to search for vehicles in the list 201 by Vehicle Identification Number (VIN). Fig 2G shows various seller report pages 200g-200j that are generated by the server and sent to the seller system. The above information shows that system searches the list 201 as a database of reference listing data to display or locate the seller report pages on an interface for viewing. The report includes items about vehicles. The items are not similar listing (figs. 2A & 2B, page 4, col. Left, lines 2-7; page 4, paragraph [0032], lines 1-9, paragraph [0036], lines 1-3);

“receive an indication from the seller to indicate a selection of a selected listing from the plurality of similar listings” as by selecting the link for the 1999 saab 9-5SE shown in the list 305, the buyer system send a request to the auction server system to display the detail page 300c (paragraph 0013);

“generate a proposed listing to present to the seller, the proposed listing including listing data from the selected similar listing” as displaying a page includes data 213 and 214. The page is represented as a proposed listing. The proposed listing does not include similar listing (fig. 2B, page 4, paragraph [0032], lines 1-3, paragraph 0013);

“allow the seller to modify the listing data in the proposed listing to create a listing” as prior to posting or sending the data entered in fields 218-220 to a database in the auction server system, the system allows the user to edit the vehicle data of the page 200b in fig. 2B by clicking on either links such as 1. Modify vehicle configuration, 2. Modify condition report, 3. Update mileage & pricing (figs. 2B & 2C, page 4, paragraph [0032], lines 1-21, col. Right, lines 17-23);

resulting in the listing as after the user to edit vehicle data and click on update icon, the system indicates Mileage & pricing of the vehicle data are updated (fig 2C, page 4, paragraph [0033], lines 1-10);

“post the listing in a database of the network-based commerce system” as sending the data entered in the fields 218-220 to a data-record for the vehicle in the auction server system. More specifically, the seller system sends the data entered in the fields to a database in the auction server (page 4, col. Right, lines 17-23);

“the listing, once posted” as the seller sends the data entered in the fields to a data-record for the vehicle in the auction server system. Then the auction server system provides a report 300e to a buyer system. The report 300e includes data about the vehicle from the data-record in the auction server database (abstract, fig 3E, page 4, col. Right, lines 17-23; page 6, col. Left, lines 1-10);

“ the proposed listing including listing data” as displaying data including the link on page 300c (paragraph 0043);

“representing sales offering of a good or service” as representing sales offering of a good or service (abstract, figs. 3A-3E).

Boyden does not explicitly teach the claimed limitation “receive an indication from the seller to indicate a selection of a selected listing from the plurality of similar listings”.

Boyden teaches selecting the link for the 1999 saab 9-5SE shown in the list 305, the buyer system send a request to the auction server system to display the detail page 300c (paragraph 0013).

Dicker teaches the user select a specific category such as ‘non-fiction’ from a drop-down menu 202 to request category-specific recommendations. Designating a specific category causes items in all other categories to be filled out (paragraph 0169). The selected category is verified to support automated generation for recommendations lists as proposed listings (fig. 5, paragraphs 0156, 0165-0167). Selecting similar items are from plurality of similar listings and displayed to a user (figs. 11-12, paragraphs 0004, 0061).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dicker's teaching of receiving a category selection from user and verifying the category supports automated generation for recommendation lists and selecting similar items and displaying similar items to Boyden's system in order to allow a user select a particular similar item listing so that the service can retrieve another similar item lists based on the selected similar list and further to predict the interests of users based on the user's indication so that the system provide a recommendation of similar items based on the interests of users.

As to claim 24, Boyden teaches the claimed limitation "which allows the user to accept the listing prior to posting the listing" as allowing a user to update or cancel updating the data record for the specific vehicle. The above information indicates that the system allow a user to accept the data record or deny the data record before posting the data record to the server (page 4, paragraph [0033], lines 6-10; page 4, col. Right, lines 17-23).

As to claim 26, Boyden teaches the claimed limitation "the server generates a user interface with a plurality of fields; and populating the fields with the listing data" as generating a web page with a plurality of fields 304 and populating the fields 304 with the vehicle data (fig. 3A-3B, page 5, paragraph [0041], lines 1-10).

As to claim 35, Boyden teaches the claimed limitation “the offering includes an auction listing” as showing pricing or sale listing for vehicles (fig. 3B).

As to claims 39-40, Boyden teaches the claimed limitation “wherein the database of listing data includes motor vehicle data” (figs. 2A & 2E, page 4, col. right, lines 17-23).

As to claim 41, Boyden teaches the claimed limitation “wherein the database of listing data includes motor vehicle data” (figs. 2A & 2E, page 4, col. right, lines 17-23).

As to claim 44, Boyden and Dicker teaches the claimed limitation subject matter in claim 1, Dicker further teaches the claimed limitation “receiving a second category selection from the seller” as (fig. 6).

As to claim 45, Boyden teaches the claimed limitation “populating a template with data from the selected listing and the attribute data; and providing information to present the template to the seller” as (paragraph 0028-0029).

5. Claims 5-6, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter “Boyden”) (US 2003/0036964 A1) in view of Dicker et

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al (or hereinafter "Dicker") (US 20030105682) and further in view of Grefenstette et al (or hereinafter "Grefenstette") (US 6928425).

As to claim 5, Boyden does not explicitly disclose the claimed limitation, "which includes providing a plurality of check boxes each of which is associated with an attribute of the listing and automatically without human intervention checking attributes based on the listing data". Grefenstette FIG. 8 illustrates a client interface 800 for invoking a print command at the computer 226. In addition to well known print property settings, the client interface offers enrichment property buttons 802. The enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806. In addition, the enrichment property buttons 802 allow a user to apply the enrichment to selected pages or content at 808. Also, the enrichment property buttons 802 allow a user to specify whether the enrichment is inserted in the print request in the form of links or as additional content at 810 (col. 17, lines 40-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette's teaching of the enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806 to Boyden's system in order to save time for a user to fill out detail information about a item during searching/retrieving the item in a large database on a network system.

As to claim 6, Boyden does not explicitly teach the claimed limitation “which includes allowing the user to modify checks in the check boxes”. Grefenstette teaches a user can modify a check box that associated with an attribute (fig. 8, col. 17, lines 42-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette’s teaching of a user can modify a check box that associated with a attribute Boyden’s system in order to allow a user to view a specific feature of a item as user’s desire.

As to claim 17, Boyden does not explicitly teach the claimed limitation “wherein a plurality of check boxes are provided, each check box being associated with an attribute of the listing and selectively being automatically checked based on the listing data without human intervention”.

Grefenstette FIG. 8 illustrates a client interface 800 for invoking a print command at the computer 226. In addition to well known print property settings, the client interface offers enrichment property buttons 802. The enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806. In addition, the enrichment property buttons 802 allow a user to apply the enrichment to selected pages or content at 808. Also, the enrichment property buttons 802 allow a user to

specify whether the enrichment is inserted in the print request in the form of links or as additional content at 810.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette's teaching of the enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806 to Boyden's system in order to save time for a user to fill out detail information about a item during searching/retrieving the item in a large database on a network system.

As to claim 18, Boyden does not explicitly teach the claimed limitation "wherein the user is allowed to modify checks in the check boxes".

Grefenstette teaches a user can modify a check box that associated with an attribute (fig. 8, col. 17, lines 42-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette's teaching of a user can modify a check box that associated with a attribute Boyden's system in order to allow a user to view a specific feature of a item as user's desire.

6. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker et

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al (or hereinafter “Dicker”) (US 20030105682) and further in view of Maze et al (or hereinafter “Maze”) (US 6216264).

As to claim 10, Boyden does not teach the claimed limitation “wherein the listing identification data is at least one of a movie title or UPC code, the method including retrieving listing data in the form of details on the movie”. Maze teaches movie title and retrieving details of the movie on a form 320 as shown in fig. 3 (col. 3, lines 10-20; col. 2, lines 53-54).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Maze’s teaching of movie title and retrieving details of the movie on a form 320 to Boyden’s system in order to allow a user to save time searching/retrieving a particular music and further to prevent producing query results that contain relatively large number of irrelevant movies.

As to claim 22, Boyden does not teach the claimed limitation “wherein the listing identification data is one of a movie title or UPC code, and the listing data includes details on the movie”. Maze teaches movie title and retrieving details of the movie on an form 320 as shown in fig. 3 (col. 3, lines 10-20; col. 2, lines 53-54).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Maze’s teaching of movie title and retrieving details of the movie on a form 320 to Boyden’s system in order to allow a user to save time

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searching/retrieving a particular music and further to prevent producing query results that contain relatively large number of irrelevant movie.

7. Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker and further in view of Ortega et al (or hereinafter "Ortega") (US 6144958).

As to claim 11, Boyden does not explicitly teach the claimed limitation "wherein the listing identification data is at least one of a book title or a UPC code, the method including retrieving listing data in the form of details on the book". Ortega teaches allow a user to search book item based on book titles. Fig. 2 illustrates the general format of a search book page that can be used to search the bibliographic database for book titles. The page includes author, title and subject files. The search book page is represented as a form of details on the book (col. 3, lines 53-61; col. 4, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based book title and to access a search book page to search for author, title and label fields to Boyden's system to allow a user to save time searching/retrieving a particular book and further to prevent to produce query results that contain relatively large number of irrelevant books.

As to claim 12, Boyden does not explicitly teach the claimed limitation "wherein the listing identification data is at least one of a music title or UPC code, the method

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including retrieving the listing data in the form of details on the music item". Ortega teaches allowing a user to search music based on music title. Also, a user can access a music search page to search for music title using the artist, title and label fields. The search music page is represented as the form of details on the music (col. 3, lines 53-61; col. 4, lines 1-10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based music titles and to access a search music page to search for music title using the artist, title and label fields to Boyden's system to allow a user to save time searching/retrieving a particular music and further to prevent to produce query results that contain relatively large number of irrelevant music.

8. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US 2003/0036964 A1) in view of Dicker et al (or hereinafter "Dicker") (US 20030105682) and further in view of Grefenstette et al (or hereinafter "Grefenstette") (US 6928425).

As to claim 27, Boyden does not explicitly disclose the claimed limitation, "which provides a plurality of check boxes each of which are associated with an attribute of the listing and automatically without human intervention checking attributes based on the listing data".

Grefenstette FIG. 8 illustrates a client interface 800 for invoking a print command at the computer 226. In addition to well known print property settings, the client interface offers enrichment property buttons 802. The enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806. In addition, the enrichment property buttons 802 allow a user to apply the enrichment to selected pages or content at 808. Also, the enrichment property buttons 802 allow a user to specify whether the enrichment is inserted in the print request in the form of links or as additional content at 810.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette's teaching of the enrichment property buttons 802 enable a user to manually select a personality to apply to a given print request at 804 or have the meta-document server select a personality automatically for the user at 806 to Boyden's system in order to save time for a user to fill out detail information about a item during searching/retrieving the item in a large database on a network system.

As to claim 28, Boyden does not explicitly teach the claimed limitation "which allows the user to modify checks in the check boxes".

Grefenstette teaches a user can modify a check box that associated with an attribute (fig. 8, col. 17, lines 42-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Grefenstette's teaching of a user can modify a check box that associated with a attribute Boyden's system in order to allow a user to view a specific feature of a item as user's desire.

9. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker and further in view of Maze et al (or hereinafter "Maze") (US 6216264).

As to claim 32, Boyden does not teach the claimed limitation "wherein the listing identification data is one of a movie title and UPC code, the system retrieves the listing data in the form of details on the movie". Maze teaches movie title and retrieving details of the movie on an form 320 as shown in fig. 3 (col. 3, lines 10-20; col. 2, lines 53-54).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Maze's teaching of movie title and retrieving details of the movie on a form 320 to Boyden's system in order to allow a user to save time searching/retrieving a particular music and further to prevent producing query results that contain relatively large number of irrelevant movies.

10. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker and further in view of Ortega et al (or hereinafter "Ortega") (US 6144958).

As to claim 33, Boyden does not explicitly teach the claimed limitation “wherein the listing identification data is one of a book title or UPC code, the system retrieves the listing data in the form of details on the book”. Ortega teaches allow a user to search book item based on book titles. Fig. 2 illustrates the general format of a search book page that can be used to search the bibliographic database for book titles. The page includes author, title and subject files. The search book page is represented as a form of details on the book (col. 3, lines 53-61; col. 4, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega’s teaching of allow a user to search item based book title and to access a search book page to search for author, title and label fields to Boyden’s system to allow a user to save time searching/retrieving a particular book and further to prevent to produce query results that contain relatively large number of irrelevant books.

As to claim 34, Boyden does not explicitly teach the claimed limitation “wherein the listing identification data is one of a music title or UPC code, the system retrieves the listing data in the form of details on the music”. Ortega teaches allowing a user to search music based on music title. Also, a user can access a music search page to search for music title using the artist, title and label fields. The search music page is represented as the form of details on the music (col. 3, lines 53-61; col. 4, lines 1-10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ortega's teaching of allow a user to search item based music titles and to access a search music page to search for music title using the artist, title and label fields to Boyden's system to allow a user to save time searching/retrieving a particular music and further to prevent to produce query results that contain relatively large number of irrelevant music.

11. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view of Dicker and further in view of Bezos et al (or hereinafter "Bezos") (US 6029141).

As to claim 36, Boyden does not explicitly disclose the claimed limitation "the offering includes a fixed-price offering". Bezos teaches a fixed-price offering for good is provided to a user (fig. 10b).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bezos' s teaching of teaches a fixed-price offering for good is provided to a user to Boyden's system in order to provide an electronic commerce solution by which preventing a user to negotiate price for a product for increasing sale products quickly.

12. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al (or hereinafter "Boyden") (US2003/0036964 A1) in view Dicker et al

(or hereinafter “Dicker”) (US 20030105682) and further in view of Sick et al (or hereinafter “Sick”) (US 20030216971).

As to claim 42, Boyden does not explicitly teach “receiving a modification for the listing from the seller when there are no bids for the auction listing; and modifying the auction listing; and reposting the auction listing in the database”.

Sick teaches before the auction is submitted, users must agree to a binding contractual agreement with the lower bidder. Users have the opportunity to edit and/or delete auction information if there have been no bids posted on their auction (paragraph 0406). The auction listing is the auction listing (figs. 27A-27C).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sick’s teaching of Sick teaches before the auction is submitted, users must agree to a binding contractual agreement with the lower bidder. Users have the opportunity to edit and/or delete auction information if there have been no bids posted on their auction and the auction listing is the auction listing to Boyden’s system in order to provide an automated or semi-automated method of collecting, analyzing, grouping, reorganizing, optimizing, and procuring energy usage data for optimizing energy use and acquisition costing to facilitate a low bid energy auction (Sick, paragraph 0037).

As to claim 43, Boyden does not explicitly teach the claimed limitation the method further comprising: receiving a modification for the listing from the seller

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before a close of the auction listing; and supplementing the auction listing; and reposting the auction listing in the database”.

Sick teaches before the auction is submitted, users must agree to a binding contractual agreement with the lower bidder. Users have the opportunity to edit and/or delete auction information if there have been no bids posted on their auction (paragraph 0406). The auction listing is the auction listing (figs. 27A-27C).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sick's teaching of Sick teaches before the auction is submitted, users must agree to a binding contractual agreement with the lower bidder. Users have the opportunity to edit and/or delete auction information if there have been no bids posted on their auction and the auction listing is the auction listing to Boyden's system in order to provide an automated or semi-automated method of collecting, analyzing, grouping, reorganizing, optimizing, and procuring energy usage data for optimizing energy use and acquisition costing to facilitate a low bid energy auction (Sick, paragraph 0037).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/

Primary Examiner, Art Unit 2169

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